

MAY 03 2006

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FAX COVER

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|---------------|------------------------------------|---------------|-------------|
| To: | Daniel Miller | From: | Emil Chang |
| Fax: | (571) 273-8300 | Pages: | 5 |
| Phone: | (571) 272-1543 | Date: | May 3, 2006 |
| Re: | 10/770,646 Restriction Requirement | CC: | |

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

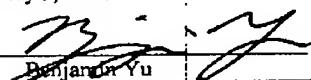
● Comments:

Patent Application 10/770,646

Attorney Docket # BYD-US2003-006

MAY 03 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re application of: Caisong Zou et al. Serial No.: 10/770,646 Filed: February 2, 2004 Title: Improved Graphite Granules And Their Method of Fabrication | Group Art Unit: 1775 Examiner: Miller, Daniel H. Docket: BYD-US2003-006 CERTIFICATE OF FAX TRANSMISSION I hereby certify that this correspondence is being sent via facsimile to the Commissioner for Patents, (571) 273- 8300 on May 3, 2006. Signed:  Benjamin Yu |
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RESPONSE TO RESTRICTION REQUIREMENT WITH TRAVERSE

Commissioner for Patents
P.O. BOX 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Restriction Requirement mailed February 3, 2006, Applicant makes a Provisional Election of Group 1 directed to claims 1-16 with traverse on the grounds that the patentably distinct species defined by the Examiner are not independent as disclosed.

MPEP 806.04(b) is titled Species May Be Related Inventions. The principal question to be determined in connection to restrict is whether or not the inventions as claimed are distinct. In the present application, it is submitted that the inventions are not distinct and restriction is not proper.

Namely, species 1, claims 1-16 and species 2, claims 17-20 and are related inventions. Claim 1 recites a method for fabricating improved graphite granules, claim 17 recites to an improved graphite granule. Both claim sets directs to graphite granules.

In summary, the two species 1 and 2 may be usable with each other and should be considered a single species of a common generic invention. Accordingly, the restriction of species 1 and species 2 may not be improper.

If the Examiner declines to withdraw the Restriction Requirement, Applicants respectfully request that the Examiner cite reasons for insisting upon restriction, MPEP 808. If the Examiner declines to withdraw the Restriction Requirement, the Examiner is also

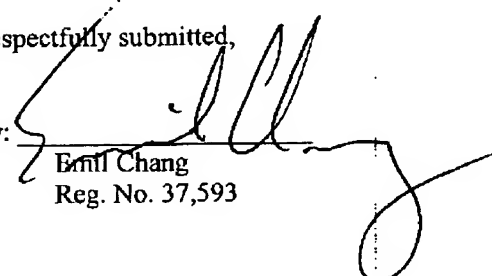
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respectfully requested to consider other possible combinations for the claim sets for restriction purposes.

If any matters can be resolved by telephone, Applicants request that the Patent and Trademark Office call the Applicants at the telephone number listed below.

Respectfully submitted,

By:


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